

## HCS SS#2 SCS SB 481 -- TRANSPORTATION ACCOUNTABILITY

SPONSOR: Dolan (Crawford)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation and Motor Vehicles by a vote of 19 to 0.

This substitute establishes various accountability measures for the Department of Transportation.

### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

The substitute expands the duties of the Joint Committee on Transportation Oversight. The committee will be required to meet four times a year, in addition to its annual meeting. The substitute spells out the agenda items in addition to those which may be established by the co-chairs. In addition to its current duties, the committee may:

- (1) Require the Inspector General to review, examine, or verify the contents of the annual report submitted to the committee; and
- (2) Direct the Inspector General to conduct a management evaluation or program evaluation.

### INSPECTOR GENERAL

The Office of Transportation Inspector General is created and assigned to the General Assembly. The Inspector General will serve as Executive Director of the Joint Committee on Transportation Oversight and will be appointed to a five-year term by majority vote of the Speaker and the Minority Leader of the House of Representatives, the President Pro Tem and the Minority Leader of the Senate, and the Chairman of the Highways and Transportation Commission. The Inspector General must:

- (1) Have at least five years of experience in similar auditing or investigatory work;
- (2) Have no pecuniary interest or act as an agent, directly or indirectly, for the sale of road or bridge building material, equipment, tools, machinery, or supplies; the design, construction, or maintenance contract of any highway or bridge; or insurance or financing connected with the commission; and
- (3) Be bonded with a federally certified surety company.

The Inspector General is required to:

- (1) Promote efficiency and integrity in the administration of

the programs and operations of the department;

(2) Detect and prevent fraud, waste, and abuse in department programs and operations;

(3) Help assure that the department is operating in compliance with the constitution and laws of the United States and the State of Missouri;

(4) Keep the commission and joint committee fully informed about any problems or deficiencies relating to the department;

(5) Conduct management and program evaluations of the department;

(6) Review citizen and state personnel complaints concerning the department; and

(7) Exercise limited subpoena power.

#### HIGHWAYS AND TRANSPORTATION COMMISSION

The substitute requires that members of the Highways and Transportation Commission be appointed by the Governor from among candidates nominated by the leadership of each political party in the House of Representatives and Senate. Every two years the Governor will appoint one candidate from each party. Candidates must be appointed by July 1 in even-numbered years. When a vacancy on the commission occurs, the House and Senate leadership of the political party of the vacating member must submit three candidates for selection within 30 days. The Governor has 30 days to appoint the new member. The new member will serve only the remainder of the unexpired six-year term of the vacating member.

Commission members are prohibited from making contributions to any political candidate, party, or organization or take part in any political campaign, except that commission members will be allowed to contribute to political campaigns if the campaign is for elective office sought by a commission member's spouse or family member related within the second degree of consanguinity. Commission members may participate in a fundraiser for that member's employer so long as the fundraiser is not for political purposes.

#### STATE OF THE STATE ON TRANSPORTATION

The substitute requires the Director of the Department of Transportation to present a state of transportation address to a joint session of the General Assembly by February 15 each year.

## DEPARTMENT CONTRACT DISPUTES

The substitute requires that any dispute or controversy in excess of \$25,000 against the Department of Transportation stemming from a contract award be settled, upon request, by arbitration administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules. Any judgment on the award rendered by the arbitrator may be entered in the circuit court of Cole County.

## DEPARTMENT OF TRANSPORTATION

The Department of Transportation will be prohibited from having a position of Inspector General or any person who acts in the capacity as Inspector General with the function provided in the substitute.

FISCAL NOTE: Estimated Net Cost to General Revenue Fund of Unknown greater than \$84,456 in FY 2004, Unknown greater than \$168,912 in FY 2005, and Unknown greater than \$168,912 in FY 2006. Unknown cost is subject to appropriations and could exceed \$100,000. Estimated Net Savings to Highway Fund of Unknown greater than \$330,670 in FY 2004, Unknown greater than \$396,804 in FY 2005, and Unknown greater than \$396,804 in FY 2006.

PROPONENTS: Supporters say the bill as it passed the Senate helps the credibility of the Department of Transportation and allows Missouri's transportation program to move forward.

Testifying for the bill were Representative Crawford for Senator Dolan; and Department of Transportation.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Legislative Analyst